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UNIVERSITY OF ALASKA BOARD OF
REGENTS AND UNIVERSITY OF
ALASKA SYSTEM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THERESA DUTCHUK, ANNALISA
HEPPNER, LIZ ORTIZ, JOANNA WELLS,
NORMA JOHNSON, AND JANE DOE VI,

Plaintiffs,

v.

DAVID YESNER, UNIVERSITY OF
ALASKA BOARD OF REGENTS AND
UNIVERSITY OF ALASKA SYSTEM,

Defendants.

Case No. 3:19-cv-00136-HRH

UNIVERSITY'S REQUEST FOR RULE 37 ATTORNEYS' FEES

University of Alaska System and the Alaska Board of Regents (collectively, the
"University"), pursuant to Fed. R. Civ. P. 37 and this Court's Order on Motion to

Compel Discovery (“Order”),¹ submit this request for reasonable expenses incurred in making its motion to compel.²

Rule 37(a)(5) provides that if a motion to compel discovery is granted, as occurred here on September 2, 2021, “the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion . . . to pay the movant’s reasonable expenses incurred in making the motion, including attorneys’ fees,” subject to three narrow exceptions—two of which were foreclosed by this Court’s September 2 order.³ This Court gave Plaintiffs 14 days—until September 16—to address the sole remaining potential exception. Plaintiffs did not file any response. The University is thus entitled to its reasonable expenses incurred in the lead up to and pursuit of its motion to compel.

The Affidavit of Danielle Ryman accompanying this motion includes a detailed statement of those reasonable expenses—delineated by the date of the task, the timekeeper, the time spent, the hourly rate, and a narrative of the work completed. Those expenses total \$24,196.00, and include roughly 70 hours of time billed at the following rates based on years of experience⁴:

¹ ECF No. 120.

² ECF No. 109.

³ ECF No. 120 at 16.

⁴ Ryman Aff. (Oct. 11, 2021) at ¶¶ 3-5 and Exhibit A.

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|----------------|------------------|----------------------|------------|
| Danielle Ryman | Partner | 24 years' experience | \$435/hour |
| Sarah Schirack | Counsel | 7 years' experience | \$380/hour |
| Priyam Desai | Associate | 2 years' experience | \$300/hour |
| Dawn Smith | Senior Paralegal | 18 years' experience | \$225/hour |

These rates are reasonable based on rates charged by other legal professionals in the Anchorage area for work on complex civil litigation.⁵ For example, an attorney for the ACLU averred to this Court in late 2020 that, based on his research in preparing for a fee motion, “Anchorage litigation attorneys with more than 10 years of experience typically charge between \$375 to \$550 per hour and Anchorage litigation attorneys with 1 to 10 years of experience charge typically between \$200 to \$400 per hour,” with that attorney’s rate set at \$425 per hour based on 14 years of practice.⁶ In line with that, in 2019 Lane Powell LLC charged \$395-425 for partner-level work and \$250-325 for associate-level.⁷ Those rates reflect an increase from 2017, in which one of the same Lane Powell LLC partners charged \$375 per hour, which was approved by Judge Sharon Gleason.⁸

The hours Perkins Coie legal professionals spent working on the University’s discovery dispute with Plaintiffs are also reasonable given this case’s factual and legal complexity, and the high number of Plaintiffs. Perkins Coie attorneys endeavored to

⁵ *Id.* ¶ 6.

⁶ *Id.* at Exhibit B, at 3-4.

⁷ *Id.* at Exhibit C.

⁸ *Id.* at Exhibits D and E.

make the University's motion to compel and reply in support thereof as streamlined as possible, which required careful review of Plaintiffs' initial and supplemental discovery responses to ensure that the University's condensed characterizations thereof were fair, accurate, and comprehensive, on top of the legal research necessary to support to the multiple grounds for its motion to compel.⁹

This Court should therefore award the University \$24,196.00 in reasonable expenses incurred in the making of its motion to compel.

DATED: October 11, 2021.

PERKINS COIE LLP

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2021 I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in Case No. 3:19-cv-00136-HRH who are registered CM/ECF users will be served by the CM/ECF system.

s/ Sarah Schirack

⁹ *Id.* ¶ 7.